

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Petition for Declaratory Ruling of the	)	
Cellular Telecommunications &	)	
Internet Association	)	

REPLY COMMENTS OF TEXAS RSA 1 LIMITED PARTNERSHIP  
d/b/a XIT CELLULAR

Texas RSA 1 Limited Partnership d/b/a XIT Cellular ("XIT"), by counsel, submits these Reply Comments in response to the Commission's invitation to comment on the Cellular Telecommunications & Internet Association ("CTIA") petition seeking resolution of certain matters relating to the implementation of local number portability.<sup>1</sup> Upon reviewing the record in this proceeding, XIT believes it crucial to highlight an issue of significant competitive importance to all small, rural wireless carriers. Specifically, XIT draws the Commission's attention to the competitive imbalance which will result if wireless-to-wireless porting is

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<sup>1</sup> *Comment Sought on CTIA Petition for Declaratory Ruling on Local Number Portability Implementation Issues: Public Notice*, CC Docket No. 95-116, DA 03-1753 (rel. May 22, 2003); *see Telephone Number Portability*, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Industry Association*, filed May 13, 2003 ("Second Petition").

required beyond the rate center associated with the ported number. While the Second Petition focuses mainly on wireless-wireline porting issues,<sup>2</sup> this related residual issue,<sup>3</sup> discussed by CTIA only in passing, is critical to the wireless-wireless competitive relationship. To maintain regulatory neutrality, XIT urges the Commission to confirm that wireless-to-wireless porting obligations are confined to areas where the porting carrier and the carrier requesting porting have common rate centers.

Throughout the country, small, rural wireless carriers, such as XIT, have devoted significant capital to serve rural territories that are not sufficiently populated to attract many of the major carriers. In some rural areas, the only competitive service that exists is confined to highway corridors, often resulting in the local rural carriers providing the only wireless service available in vast geographic areas. Having established a physical presence in and commitment to the local communities, these carriers are prepared to (and do) compete with the larger carriers. The Commission must ensure that regulatory obligations do not artificially tilt the competitive playing field in favor of the larger carriers.

Rural carriers have established the infrastructure, including the numbering resources, to serve small communities, providing local, as well as wider area calling scopes. This capital commitment has resulted in a market niche that is unmatched by nationwide carriers that have failed to make a similar commitment. If, however, a number associated with a rural carrier's

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<sup>2</sup> See Second Petition at 1-28.

<sup>3</sup> CTIA's first petition for declaratory ruling urged the Commission to expand existing definitions for porting obligations by imposing a requirement to port numbers beyond common rate centers. See *Telephone Number Portability*, CC Docket No. 95-116, Petition for Declaratory Ruling of the Cellular Telecommunications & Industry Association, filed January 23, 2003 ("Rate Center Petition")

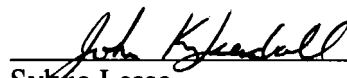
service area is ported to a larger carrier without a presence in the same rate center as the ported number, the larger carrier may capture the local calling scope established by the rural carrier without having made any capital commitment in terms of infrastructure or numbering resources.<sup>4</sup>

XIT believes that the potentially discriminatory effect of abandoning the rate center concept is significant and harmful to the public because it does not promote true competition but rather provides an artifice through which customers and facilities are unfairly siphoned. Accordingly, XIT urges the Commission to clarify that common rate centers are the prerequisite to a porting obligation.

Respectfully submitted,

TEXAS RSA 1 LIMITED PARTNERSHIP  
d/b/a XIT CELLULAR

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<sup>4</sup> See Reply Comments of Missouri RSA No. 7 Limited Partnership dba Mid-Missouri Cellular filed in the Rate Center Petition proceeding, p. 2 (March 13, 2003) (abandoning the common rate center requirement frustrates the purpose of allowing consumers to elect among competing **local** carriers) (emphasis in original). See also Comments of the Rural Telecommunications Group filed herein, p. 4 (June 13, 2003) (warning that the effect of requiring porting from smaller carriers to larger carriers with no presence in the pertinent rate center is to subsidize larger carriers by allowing them to avoid the cost of build-out in rural areas).

## **CERTIFICATE OF SERVICE**

I, Naomi Adams, of Kraskin, Lesse & Cosson, LLC, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Reply Comments of Texas RSA 1 Limited Partnership d/b/a XIT Cellular" in CC Docket No. 95-116 was served on this 24<sup>th</sup> day of June 2003, by first class, U.S. mail, postage prepaid or by hand delivery to the following parties:

  
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